

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
SANTIAGO GARCIA,

Plaintiff,

-against-

SOS SECURITY, INC.,

Defendant.  
-----X

ALVIN K. HELLERSTEIN, U.S.D.J.:

**ORDER EXPLAINING THE  
EFFECT OF A  
MOTION TO DISMISS**

07 Civ. 8277 (AKH)

Defendant SOS Security, Inc., has filed a motion to dismiss all claims against it pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, asserting that the complaint fails to state a claim for which relief can be granted. The Court issues this order to explain to the *pro se* Plaintiff Santiago Garcia the consequences of a motion to dismiss.

By bringing this motion, the Defendant has asked the Court to decide that the plaintiff is not entitled to relief against the Defendant under the law, even if all of the allegations in the complaint are accepted as true. If the Defendant's motion is granted, a judgment will be entered in Defendant's favor, dismissing the complaint with prejudice. Thus, it is important that Plaintiff review the Defendant's motion and respond if he wishes to rebut the Defendant's arguments and to provide support for his complaint—that is, to show that his complaint, as it relates to Defendant, is legally sufficient.

In deciding the Defendant's motion, the Court will not determine whether the Plaintiff's factual allegations are true, but instead will focus on whether those allegations can support a claim for relief under the law. If the Plaintiff feels, after reviewing the Defendant's submission in support of this motion, that his legal claims are not adequately stated, and he believes that he can, in good faith, add allegations to make his claim legally sufficient, Plaintiff


may ask for permission to amend those claims in order to make them legally adequate. Such a request will be granted only if the Plaintiff demonstrates good faith and factual basis to make such allegations.

Plaintiff is hereby granted until May 16, 2008 to file an opposition to defendant's motion, and defendant has until May 23, 2008 to file a reply.

Plaintiff is advised that the Pro Se Office at the United States Courthouse, 500 Pearl Street, Room 230, New York, New York 10007, telephone number (212) 805-0175, may be of assistance in connection with court procedures. Please note that the Pro Se Office cannot give legal advice.

SO ORDERED.

Dated: New York, New York  
May 5, 2008



ALVIN K. HELLERSTEIN  
United States District Judge